

Notice of Allowability

Application No.

10/070,845

Applicant(s)

OXLEY ET AL.

Examiner

Art Unit

Keith T. Ferguson

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/3/05.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>2/9/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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Part III EXAMINER'S AMENDMENT

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Dan Nickles on February 8, 2006.

The application has been amended as follows:

in the claims, claim 10, line 1, -- A method comprising:-- has been inserted before "in";
in claim 10, line 2, "a method of" has been deleted;
in claim 10, line 3, --;-- has been inserted after "beam";
in claim 10, line 3, "comprising:" has been deleted;
in claim 15, line 1, --A method comprising:-- has been inserted before "in";
in claim 15, line 2, "a method of" has been deleted;
in claim 15 line 3, --;-- has been inserted after "stations";
in claim 15 line 3, "comprising" has been deleted.

REASONS FOR ALLOWANCE

2. Claims 1-20 are allowed.

3. The following is an Examiner's Statement of Reasons for Allowance:

The invention as claimed is not taught or render obvious by the prior art of record. Regarding claim 1, the prior art of record fails to teach or suggest, alone or in combination "a non-terrestrial repeater having a first antenna to receive information from the plurality of base transceiver stations, and a second antenna to project a beam on the earth; wherein the beam includes the control channel from each of the plurality of base transceiver stations and each of the control channels has an access channel associated therewith, and wherein each of the control channels is assigned a list of access classes that are modified to influence a relative loading between access channels".

Regarding claim 6, the prior art of record fails to teach or suggest, alone or in combination a "non-terrestrial repeater having a first antenna to receive information from the plurality

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of base transceiver stations, and a second antenna to project a beam on the earth; wherein the beam includes the control channel from each of the plurality of base transceiver stations and each of the plurality of base transceiver stations has a receive time window and a time offset associated therewith, a time location of the receive time window being a function of the time offset, such that the receive time window defines an area within the beam from which an associated base transceiver station receives communications".

Regarding claim 10, the prior art of record fails to teach or suggest, alone or in combination "in a communications system having a plurality of control channels projected in a single beam, influencing relative loading on a plurality of access channels in the single beam, performing access class assignments to each of the plurality of control channels; and modifying the access class assignments to influence loading on the plurality of access channels".

Regarding claim 15, the prior art of record fails to teach or suggest, alone or in combination "in a communications system having a plurality of base transceiver stations, and a plurality of access channels in a single beam, influencing relative loading on the plurality of base transceiver stations, assigning a different time offset to each of the plurality of base transceiver stations, wherein the different time offset for each of the plurality of base transceiver stations defines a time location of a receive time window within which the corresponding base transceiver station monitors the plurality of access channels".

Prieto, Jr. et al. (U.S. Patent 6,381,228) discloses a satellite for reserving a plurality of time slots for multiple earth units. Chennakeshu et al. discloses a method of reducing co-channel interference. Dent (U.S. Patent 5,844,894) discloses synchronizing base stations to a system clock. Anderson (U.S. Patent 5,530,917) discloses priority channel assigning based upon the load of the system. None of the prior art of record teaches applicants claimed invention above.

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Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Keith Ferguson

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February 9, 2006

KEITH FERGUSON
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Keith Ferguson", with a long horizontal line extending to the right.